

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Darrell Lee Daniels, #364280,)	
)	C/A No. 1:17-0993-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Director of S.C.D.C., Brian P. Stirling;)	
Kenard Dubose, Mental Health Director;)	
and Medical Director of S.C.D.C. Head)	
Personal,)	
)	
Defendants.)	
_____)	

Plaintiff Darrell Lee Daniels is an inmate in custody of the South Carolina Department of Corrections. At the time of filing the complaint, Plaintiff was housed at Perry Correctional Institution in Pelzer, South Carolina. Plaintiff, proceeding pro se and in forma pauperis, filed a complaint on April 14, 2017, alleging that Defendants violated his constitutional rights. See 42.U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling.

On May 8, 2017, the Magistrate Judge issued an order directing Plaintiff to bring his complaint into proper form by (1) fully completing a summons form listing names and addresses of every Defendant; and (2) completing a Form USM-285 for each Defendant. Plaintiff was cautioned that his failure to bring the case into proper form could result in the case being dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b). Plaintiff filed no response to the Magistrate Judge's order. On June 5, 2017, the Magistrate Judge issued a second proper form order. After Plaintiff did not respond, the Magistrate Judge issued a Report and Recommendation on June 30, 2017, in which she recommended that the case be dismissed without prejudice for failure to prosecute. On July 21,

2017, on direction of the court, copies of the proper form orders and Report and Recommendation were mailed to Plaintiff at Lee Correctional Institution in Bishopville, South Carolina, in accordance with information obtained from the South Carolina Department of Corrections website. See <http://public.doc.state.sc.us/scdc-public/> (last accessed 8/9/2017). Plaintiff filed no response.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is dismissed, *without prejudice*, pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

August 11, 2017